

Defined terms: "Employer" § 10-101
"Obligor" § 10-101
"Support enforcement agency" § 10-101

GENERAL REVISOR'S NOTE:

Former Article 88A, § 59(b)(5)(ii) and the first and second sentences of (5), which related to certain events that were to occur in 1978 and 1979, are deleted as obsolete.

SUBTITLE 2. CRIMINAL NONSUPPORT AND DESERTION.

PART I. NONSUPPORT OF SPOUSE; NONSUPPORT OR DESERTION OF MINOR CHILD -- IN GENERAL.

10-201. NONSUPPORT OF SPOUSE PROHIBITED; PENALTIES.

(A) IN GENERAL.

A SPOUSE MAY NOT WILLFULLY FAIL TO PROVIDE FOR THE SUPPORT OF THE OTHER SPOUSE, WITHOUT JUST CAUSE.

(B) PENALTIES.

AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

(C) DISPOSITION OF FINE.

IF AN INDIVIDUAL IS CONVICTED UNDER THIS SECTION, THE COURT MAY ORDER THE INDIVIDUAL TO PAY ANY FINE WHOLLY OR PARTLY TO THE SPOUSE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence and the first clause of the third sentence of former Article 27, § 88(a).

In subsection (a) of this section, the word "fail" is substituted for the former word "neglects", in light of Ewell v. State, 207 Md. 288 (1955).

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that the prohibition on failing to support one's spouse is not limited to a failure to support a dependent spouse or a spouse who is unable to meet the spouse's financial needs. The General Assembly may wish to consider limiting the scope of this section.

Defined term: "Support" § 1-101

10-202. ORDER TO PAY SPOUSAL SUPPORT.